

(Del. Rev. 11/14) Pro Se Prisoner Civil Rights Complaint

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

ADAM TRAY WENZKE

(In the space above enter the full name(s) of the plaintiff(s).)

-against-

(SEE ATTACHED)

Civ. Action No. \_\_\_\_\_

(To be assigned by Clerk's  
Office)

COMPLAINT

(Pro Se Prisoner)

Jury Demand?

☒ Yes

☐ No

(In the space above enter the full name(s) of the defendant(s).

If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Section IV. Do not include addresses here.)

**NOTICE**

Federal Rule of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

**Plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.**

## DEFENDANTS

- 1) WARDEN METZGER J.T.V.C.C.
- 2) MENTAL HEALTH DIRECTOR PAOLA MUÑOZ J.T.V.C.C.
- 3) MENTAL HEALTH DOCTOR "SUSAN" J.T.V.C.C.
- 4) MENTAL HEALTH DOCTOR AUGUST J.T.V.C.C.
- 5) MENTAL HEALTH DOCTOR PADRELL J.T.V.C.C. ?
- 6) MENTAL HEALTH DOCTOR TANYA WILSON J.T.V.C.C. ?
- 7) BOP JUDITH CAPRAO
- 8) CONNECTIONS J.T.V.C.C.

- ID LIKE TO SUE CONNECTIONS IN THEIR OFFICIAL CAPACITY.
- ID LIKE TO SUE ALL REMAINING DEFENDANTS IN THEIR OFFICIAL AND INDIVIDUAL CAPACITY.

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**I. COMPLAINT**

Indicate below the federal legal basis for your claim, if known. This form is designed primarily for pro se prisoners challenging the constitutionality of their conditions of confinement, claims which are often brought under 42 U.S.C. § 1983 (against state, county, or municipal defendants) or in a "Bivens" action (against federal defendants).

Check one:

- ☒ 42 U.S.C. § 1983 (state, county, or municipal defendants)
- ☐ Action under *Bivens v. Six Unknown Federal Narcotics Agents*, 403 U.S. 388 (1971) (federal defendants)

**II. PLAINTIFF INFORMATION**

WENZKE ADAM T TROY  
 Name (Last, First, MI) Aliases

# 00182595  
 Prisoner ID #

JAMES T. VAUGHN CORR. CTR. (J.T.V.C.C.)  
 Place of Detention

1181 PADDOCK ROAD  
 Institutional Address

NCC, SMYRNA, DE 19977  
 County, City State Zip Code

**III. PRISONER STATUS**

Indicate whether you are a prisoner or other confined person as follows:

- ☐ Pretrial detainee
- ☐ Civilly committed detainee
- ☐ Immigration detainee
- ☒ Convicted and sentenced state prisoner
- ☐ Convicted and sentenced federal prisoner

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**IV. DEFENDANT(S) INFORMATION**

*Please list the following information for each defendant. If the correct information is not provided, it could result in the delay or prevention of service. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.*

Defendant 1: METZGER, DANA  
 Name (Last, First)

WARDEN  
 Current Job Title

J.T.V.C.C. 1181 PADDOCK RD.  
 Current Work Address

NCC SMYRNA DE 19977  
 County, City State Zip Code

Defendant 2: MUNOZ, PAOLA  
 Name (Last, First)

MENTAL HEALTH DIRECTOR  
 Current Job Title

J.T.V.C.C. 1181 PADDOCK RD.  
 Current Work Address

NCC SMYRNA DE 19977  
 County, City State Zip Code

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**Defendant(s) Continued**

Defendant 3:

SUSAN  
Name (Last, First)

MENTAL HEALTH DOCTOR  
Current Job Title

J.T.V.C.C 1181 PADDOCK RD.  
Current Work Address

NCC Smyrna DE 19977  
County, City State Zip Code

Defendant 4:

AUGUST  
Name (Last, First)

MENTAL HEALTH DOCTOR  
Current Job Title

J.T.V.C.C 1181 PADDOCK RD.  
Current Work Address

NCC Smyrna DE 19977  
County, City State Zip Code

(SEE ATTACHED)

DEFENDANTS CONTINUED,

5) PADRELL,

MENTAL HEALTH DOCTOR

J.T.V.C.C. 1181 PADDOCK RD.

NCC, Smyrna DE. 19977

\* ( ~~I DONT KNOW IF SHE STILL WORKS HERE~~ )

6) WILSON, TANYA

MENTAL HEALTH DOCTOR

J.T.V.C.C. 1181 PADDOCK RD.

NCC, Smyrna DE. 19977

\* ( ~~I DONT KNOW IF SHE STILL WORKS HERE~~ )

(SEE ATTACHED)

DEFENDANTS (CONT.)

7) CONNECTIONS (NCC)

500 WEST 10<sup>TH</sup> STREET

Wilm., DE. 19801

ALSO CONNECTIONS (NCC)

JAMES T. VAUGHN CORR. CTR.

1181 PADDOCK ROAD

SMYRNA, DE 19977

8) JUDITH CAPRIO

BUREAU OF HEALTH CARE SERVICES

245 MCKEE ROAD

DOVER, DE 19904

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## V. STATEMENT OF CLAIM

Place(s) of  
occurrence:JAMES T. VAUGHN CORR. CTR.

Date(s) of occurrence:

SEE BELOW / PARAGRAPHS / MARCH 2016 THRU FEB 2018

State which of your federal constitutional or federal statutory rights have been violated:

8<sup>TH</sup> AND 14<sup>TH</sup> AMENDMENTS OF CONSTITUTION(ADA) AMERICANS w/ DISABILITIES ACT 42 USCS 12101 et seq.  
(ITED) INTENTIONAL INFLECTION OF EMOTIONAL DISTRESS

State here briefly the FACTS that support your case. Describe how each defendant was personally involved in the alleged wrongful actions, state whether you were physically injured as a result of those actions, and if so, state your injury and what medical attention was provided to you.

## FACTS:

What  
happened to  
you?

1) ON MARCH 29, 2016 I WAS TRANSFERRED FROM H.R.Y.C.I TO THE J.T.V.C.C. UPON ARRIVING I SPOKE TO MENTAL HEALTH AND THEY SAID THEY WOULD PUT ME IN TO SEE THE MENTAL HEALTH DOCTOR BECAUSE MY MEDICATION WAS GIVING ME ADVERSE SIDE EFFECTS. OVER THE YEARS EVERY TIME I COME TO PRISON WHICH HAS BEEN MY ENTIRE LIFE, EVERY MENTAL HEALTH DOCTOR HAS A DIFFERENT DIAGNOSIS AND DIFFERENT TREATMENT AS FAR AS MEDICATION GOES.

2) APPROXIMATELY 13 YEARS AGO I WAS DIAGNOSED WITH BI-POLAR, DEPRESSION AND ANXIETY. OVER THE YEARS I'VE TRIED JUST ABOUT EVERY MENTAL HEALTH MEDICATION THAT THEY HAVE, SO I KNOW FIRST HAND WHAT WORKS FOR ME AND WHAT DOES'NT AND WHAT MEDICATIONS HAVE THE WORST SIDE EFFECTS. SOON AFTER I ARRIVED AT J.T.V.C.C. I WAS SEEN BY M.H. DOCTOR TANYA WILSON.



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Who did  
what?

- 3) I EXPLAINED TO HER ABOUT SOME MEDICATIONS NOT WORKING, OR THE ONES THAT CAUSE ME TO HAVE SEVERE SIDE EFFECTS AND THEY HURT ME. SHE SAID, FIRST YOU DON'T TELL ME WHAT TO DO, I PRESCRIBE THE MEDS WHICH I THINK WILL WORK FOR YOU. ALSO, SHE SAID THE MEDICATION I WAS REQUESTING THEY DON'T GIVE OUT ANYMORE. I PLEADED WITH HER TO NO AVAIL AND HER ANSWER WAS TAKE WHAT I GIVE YOU OR TAKE NOTHING AT ALL. THOSE WERE MY TWO OPTIONS.
- 4) OVER THE NEXT SIX MONTHS SHE PRESCRIBED A COUPLE DIFFERENT MEDICATIONS FOR ME. THE ONE DID NOT WORK, AND THE OTHER ONE'S SIDE EFFECTS WERE ADVERSE TO ME. I COULDN'T TAKE IT NO MORE, NO ONE WAS LISTENING. SO AROUND SEPTEMBER 2016 I TOLD ONE OF THE M.H. COUNSELORS WHAT WAS HAPPENING AND SHE SAID SHE COULDN'T HELP ME.
- 5) UNFORTUNATELY, I DECIDED NOT TO TAKE ANY M.H. MEDICATION AT ALL. THE SIDE EFFECTS WERE AT 80% OR THE MEDS HAD NO EFFECT AT ALL. FROM SEPT 2016 TO JAN. 2017 I WENT COMPLETELY CRAZY FROM NOT BEING TREATED AT ALL. I WAS FEELING VERY AGITATED, STRESSED OUT, VERY DEPRESSED, RACING THOUGHTS, SLEEPLESSNESS, MOOD SWINGS, RESTLESSNESS AND FEELINGS OF GUILT, AND FIGHTING WITH THE THOUGHTS OF RETURNING TO A LIFE OF DRUGS IN PRISON. LATER I FOUND OUT FROM SEPT. 2016 TO JAN 2017 I USED TO DO DRUGS WITH M.H. DOCTOR TANYA WILSON AND HER HUSBAND MIKE 20 YEARS AGO. I THOUGHT THAT WAS THE REASON WHY SHE WAS IGNORING MY INPUT ABOUT THE SIDE EFFECTS OF THE MEDICATION.

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Was anyone  
else  
involved?

- 6) ALSO, DURING THAT TIME I SPOKE WITH OTHER INMATES AROUND THE PRISON AND FOUND OUT THAT MENTAL HEALTH STILL GIVES OUT THE MEDICATION I ASKED FOR. I THEN REALIZED THAT M.H. DOCTOR TANYA WILSON KNEW WHO I WAS AND WAS DOING THAT TO ME TO BE SPITEFUL. OVER THE YEARS THROUGH TRIAL AND ERROR I FOUND OUT THESE MEDS WORK BEST FOR ME WITH ONLY 10% SIDE EFFECTS. 200 mg TRAZADONE, 200 mg SERENITY, 300 mg WELLBUTRIN, 100 mg VISTIRIE AND 100 mg LAMOTRIGINE.
- 7) ALL THE M.H. DOCTORS I'VE SEEN OVER THE YEARS TOLD ME ALL M.H. MEDICATIONS WORK DIFFERENTLY FOR EVERY ONE AND THROUGH TRIAL AND ERROR YOU HAVE TO FIND OUT WHAT WORKS BEST FOR YOU. SOON AFTER I WAS SEEN BY M.H. COUNSELOR THOMAS AND HE SCHEDULED ME TO BE SEEN BY A DIFFERENT M.H. DOCTOR.
- 8) ON 3-17-17 I WAS SEEN BY MH DOCTOR AUGUST. I EXPLAINED MY ENTIRE SITUATION TO HIM AND EVEN THE ADVERSE SIDE EFFECTS. HE STATED TO ME, HE SAW MY JAW TWITCHING 3 X'S WHILE I WAS TALKING TO HIM AND HE'S NOT GIVING THE MEDICATIONS I ASKED FOR WITH ONLY 10% SIDE EFFECTS. HE ALSO SAID VISTIRIE CAUSES CANCER NOW. I SAID, THE PRISON STILL GIVES OUT THOSE MEDICATIONS RIGHT NOW TO OTHER INMATES, AT LEAST 30 OTHER INMATES. HE STATED, TAKE WHAT WE GIVE YOU OR TAKE NOTHING AT ALL. KNOWING THAT THOSE SIDE EFFECTS ARE ACTUALLY HURTING ME PHYSICALLY, MENTALLY AND EMOTIONALLY.
- 9) I THEN FILED A MEDICAL GRIEVANCE ON 3/18/17 ABOUT M.H. DOCTOR AUGUST DECISION. IT WAS THE SAME AS M.H. DOCTOR TANYA WILSON'S. ON 4-4-17 I WAS SEEN BY ANOTHER M.H. DOCTOR PADRELL. I EXPLAINED IN

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Who did  
what?

GREAT DETAIL ABOUT WHAT THOSE MEDICATIONS DO TO ME, AND WHAT M.H. DOCTOR AUGUST AND M.H. DOCTOR TANYA WILSON SAID. SHE EVEN SAID THAT M.H. DOCTOR AUGUST WAS CRAZY FOR TELLING ME THAT. SHE THEN SIDED WITH THE OPINION OF THE OTHER 2 M.H. DOCTORS. SHE CAN'T HELP THE SIDE EFFECTS, IF YOU WANT TREATMENT FOR MY DIAGNOSIS I SHOULD TAKE WHAT THEY RECOMMEND OR TAKE NOTHING AT ALL. I ASKED ABOUT ALTERNATIVE TREATMENT AND SHE TOLD ME I DON'T DICTATE WHAT SHE'S GOING TO DO. SHE'S THE DOCTOR AND I'M JUST A INMATE. I ASKED HER NAME AND SHE WOULD NOT TELL ME. I FOUND OUT LATER ON.

- 10) THAT DAY ON 4-4-17 I FILED A MEDICAL GRIEVANCE ON M.H. DOCTOR PADRELL. ON 5-17-17 I SEEN M.H. COUNSELOR SARAH. I SIGNED A REFUSAL BECAUSE SHE CAN'T HELP ME WITH THIS SITUATION. I TOLD HER I'D WAIT FOR THE OUTCOME OF THE MEDICAL GRIEVANCE. TWO MONTHS LATER ON 6-4-17 I WROTE Cpl. DUTTON WHO HANDLES MEDICAL GRIEVANCES WHAT HAPPEN TO THE GRIEVANCE HEARING. HE WROTE BACK ON 6-6-17 AND SAID THEY'RE STILL INVESTIGATING.
- 11) ON 6-7-17 WAS SEEN BY M.H. COUNSELOR THOMAS AND WAS TOLD TO SIGN-OFF ON THE MEDICAL GRIEVANCE #362644 THAT I WASN'T GOING TO WIN. I SAID "NO", HE THEN SAID HE WOULD TALK TO M.H. DIRECTOR PAOLA MUÑOZ. I INFORMED HIM I WROTE HER A 3 PAGE LETTER THE DAY BEFORE. "SHE NEVER REPLIED"
- 12) ON 6/29/17, 86 DAYS AFTER I FILED THE MEDICAL GRIEVANCE #362644 I WENT TO THE HEARING. AS I WALKED IN THERE WERE 4 BOARD MEMBERS THERE.

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Was anyone  
else  
involved?

ONE OF THE WOMEN LOOKED AT ME AND STATED, WE  
SIDE WITH THE PROVIDER, YOU CAN LEAVE! THE HEARING  
LASTED 5 SECONDS AND I DIDN'T EVEN GET TO SPEAK.  
ON THE WAY OUT I TOLD Cpl. DUTTON I'D LIKE TO  
APPEAL THIS BIAS DECISION. HE SAID OK, HE'D SEND  
ME THE PAPER WORK. ON 7-12-17 I SENT IN A  
3 PAGE APPEAL TO THE BUREAU CHIEF.

13) ON 7-20-17 I WROTE M.H. DIRECTOR PAOLA MUÑOZ ASKING  
FOR HELP, AGAIN. (NO REPLY). ON 7-29-17 I RECEIVED  
MY MEDICAL GRIEVANCE APPEAL BACK FROM BUREAU CHIEF  
JUDITH CAPRIO "DENIED". ALSO ON 7-20-17 WROTE  
M.H. ASKING FOR A LIST OF ALTERNATIVE MEDICATIONS  
AND THEIR SIDE EFFECTS. ON 8-2-17 WROTE A 4 PAGE  
LETTER TO THE ACLU ASKING FOR HELP. ON 8-6-17  
M.H. WROTE BACK TELLING ME THEY CAN'T SEND  
ME ALL THE MEDICATIONS AND THEIR SIDE EFFECT.

14) I DIDN'T ASK FOR ALL THE MEDICATIONS, I WAS  
ONLY REFERRING TO MY DIAGNOSIS. ON 8-20-17  
I RECEIVED A LETTER BACK FROM THE ACLU. THEY  
SAID THEY CAN'T HELP ME. IT'S OBVIOUS TO ME  
THEY DIDN'T READ WHAT I WROTE THEM BECAUSE  
THEY WROTE BACK AND TOLD ME WHAT I SHOULD DO.  
IF THEY HAD READ MY LETTER, ALL THE THINGS  
THEY TOLD ME TO DO, I ALREADY DID, AS EXPLAINED  
IN MY LETTER.

15) ON 8-28-17 I WAS SEEN BY M.H. COUNSELOR JENNY.  
SHE TOLD ME I WAS RE-SCHEDULED TO SEE A BRAND  
NEW M.H. DOCTOR SUSAN, "NOT TO BE CONFUSED WITH  
M.H. COUNSELOR SUSAN." ALSO ON 8-28-17 I WROTE  
COMMISSIONER PERRY PHELPS AND DIRECTOR RONALD DRAKE

(SEE ATTACHED)



OF INTERNAL AFFAIRS. I SENT THEM BOTH COPIES OF MEDICAL GRIEVANCE # 362644 AND THE DECISIONS AND appeal to BOP Judith Caprio and her decision asking for help. "NO Reply" On 9-6-17 WAS SEEN BY M.H. COUNSELOR ERIC. I EXPLAINED MY ENTIRE SITUATION IN GREAT DETAIL AND HE SAID HE WOULD TALK TO M.H. DIRECTOR PAOLA MUÑOZ. On 9-14-17 I WAS FINALLY SEEN BY A NEW M.H. DOCTOR "SUBAN".

16) I EXPLAINED EVERYTHING TO HER FROM APRIL 2016 ALL THE WAY UP TO DATE. I ALSO TOLD HER I'VE BEEN TRYING TO GET BACK ON MEDICATION SINCE JAN 2017, AND THAT I'VE BEEN GOING COMPLETELY CRAZY WITH OUT MEDICATION. SHE CONVINCED ME TO TRY A NEW MEDICATION CALLED "Cymbalta". SHE SAID IT WORKS FOR EVERYTHING. I NEEDED SOMETHING SO I AGREED TO TAKE IT AGAINST MY BETTER JUDGEMENT. SHE THEN SAID YOUR GONNA TAKE THIS OR TAKE NOTHING. THOSE WERE MY OPTIONS. I ASKED TO SEE THE SIDE-EFFECTS AND SHE SHOWED THEM TO ME AND IT LOOKS LIKE ANOTHER NIGHTMARE BECAUSE I'VE BEEN THROUGH THIS OVER AND OVER FOR THE PAST 12 YEARS.

17) BEFORE I LEFT SHE TOLD ME SHE DIDN'T THINK I WAS BI-POLAR ANYMORE. ANOTHER FINE EXAMPLE HOW EVERY BODY DOES THINGS THERE OWN WAY AND THEY ALL DISAGREE WITH EACH OTHER ON HOW TO TREAT THE SAME PERSON. IF THEY ALL HAVE A DEGREE IN PSYCHOLOGY WHY IS EVERYONE'S OPINION DIFFERENT FROM EACH OTHER. EVEN THE

TREATMENT IS DIFFERENT. I THINK I SHOULD HAVE A SAY ABOUT WHAT GOES INTO MY BODY. IF I TELL YOU SOME OF THOSE MEDICATIONS DON'T WORK FOR ME AND SOME OF THEM HAVE REALLY SEVERE SIDE EFFECTS, AND SOME MEDICATIONS WORK FOR ME WITH ONLY 10% SIDE EFFECTS. WHY DO THEY INSIST ON TELLING ME TO TAKE MEDICATION THAT HURTS ME OR TAKE NOTHING. SO, IF I CHOOSE NOT TO TAKE THE MEDS THAT HURT ME MY OPTION IS NOT TO BE TREATED AT ALL. THAT'S EXACTLY WHAT THEY DO WHEN I CAN'T TAKE THE SIDE EFFECTS FROM "Cymbalta."

I'VE BEEN TRYING TO TAKE M.H. MEDICATION FOR 9 MONTHS AND WHAT YOU'VE JUST READ ABOVE WERE MY OPTIONS.

18) I STARTED "Cymbalta" ON 9-16-17 WHICH WAS ONLY SUPPOSED TO BE A TRIAL RUN FOR 30 DAYS. TWO WEEKS LATER THE ADVERSE SIDE EFFECTS STARTED. ON 9-29-17, 10-8-17, AND 10-14-17 I WROTE M.H. EXPLAINING WHAT WAS HAPPENING TO ME. ON 10-18-17 SAW M.H. COUNSELOR ERIC. I EXPLAINED THE SEVERE SIDE EFFECTS TO HIM AND TOLD HIM THAT Cymbalta WAS HURTING ME AND HE SAID THE SIDE EFFECTS SHOULD HAVE STOPPED AFTER 2 WEEKS BUT THEY DIDN'T. SO HE SAID HE'D TALK TO THE M.H. DOCTOR AND SEE IF THEY WOULD PRESCRIBE A MEDICATION SPECIFICALLY FOR SIDE-EFFECTS. I TOLD HIM I REALLY NEED IT. THAT NEVER HAPPENED EITHER.

19) I JUST READ IN A BASIC PHARMACOLOGY BOOK ABOUT

HOW M.H. MEDICATION REACTS TO THE CHEMICALS IN YOUR BRAIN AND THERE'S ALSO A PERMANANT DAMAGING CONDITION CALLED TARDIVE DISKINESIA AND TARDIVE AKATHISIA. SO I WROTE M.H. DIRECTOR PAOLA MUÑOZ A LETTER ABOUT THIS. (NO REPLY).

20) ON 10/20/17 WROTE M.H. AGAIN COMPLAINING OF SEVERE SIDE EFFECTS. WAS SEEN BY M.H. COUNSELOR ERIC ON 10/23/17. TOLD HIM EVERYTHING I WAS GOING THROUGH AND I NEEDED TO SWITCH MEDICATION. HE SAID HE'D TALK TO THE DOCTOR AND SEE IF SHE CAN SQUEEZE ME IN. ON 10/29/17 WROTE M.H. AGAIN ABOUT SIDE EFFECTS. ON 10/30/17 WROTE M.H. FOR AT LEAST THE FOURTH TIME ASKING ABOUT COURT ORDERED EMOTIONAL AND PSYCHOLOGICAL EVALUATION.

21) ON 11/4/17 WROTE M.H. DOCTOR SUSAN AND TOLD HER I WAS SUFFERING AND OVER THE LAST FOUR WEEKS M.H. COUNSELOR ERIC SAID HE WAS GOING TO HELP ME AND HE NEVER DID. ON 11-6-17 SAW M.H. COUNSELOR ERIC AND HE TOLD ME TO WAIT MY TURN, EVERYONES BUSY. ON 11-13-17 I REALIZED IT'S BEEN 27 DAYS SINCE M.H. COUNSELOR ERIC SAID HE WOULD GET ME SIDE EFFECT MEDICATION FROM WHEN HE TOLD ME ON 10/18/17. I ALSO WROTE M.H. AGAIN ABOUT SIDE EFFECTS. THE ONLY REASON I CONTINUE TO TAKE THESE MEDICATIONS IS BECAUSE IF I STOP ON MY OWN, THEY WILL SAY IM REFUSING TREATMENT LIKE THEY BEEN DOING.

- 22) I KNEW THIS WAS GOING TO HAPPEN. I CANT BELIEVE THEY STILL GIVE OUT 4 OUT OF THE 5 MEDICATIONS THAT ONLY GIVE ME 10% SIDE EFFECTS, AND THEY WORK WELL FOR MY DIAGNOSIS, BUT THEY REFUSE TO GIVE IT TO ME. FINALLY, ON 11-20-17 I SAW M.H. Doctor SUSAN. She told me TO STOP taking Cymbalta. It was only supposed TO BE FOR 30 days AND AFTER all the complaining IT took 64 days of suffering TO get The Doctor TO STOP PRESCRIBING IT TO ME.
- 23) I TOLD HER THIS WAS GOING TO HAPPEN AND SHE SAID IT WAS "policy" NOW NOT TO GIVE OUT WELLBUTRIN. THEN SHE SAID THEY WERE'NT GOING TO TREAT ME FOR Bi-Polar, Depression AND Anxiety, BUT SHE PRESCRIBED ME 100 mg TRAZADONE FOR MY DISRUPTIVE SLEEP PATTERN. TRAZADONE IS A SEDATIVE, IT'S ALSO SUPPOSED TO BE FOR Depression BUT IT DOES'NT WORK FOR ME FOR THAT. I ONLY sleep 2 1/2 TO 3 hours A NIGHT OFF AND ON SO TRAZADONE helps me sleep 4 hours straight thats it. AND LATELY THAT HAS STOPPED WORKING.
- 24) TRAZADONE WAS ONE OF THE ORIGINAL MEDICATIONS I ASKED FOR OVER THE LAST 2 YEARS WITH ALL THE M.H. Doctors. Which they SAID They dont give that OUT NO MORE. They're giving it to me NOW though. ALSO, ON 11-20-17 I wrote A 5 PAGE LETTER TO WARDEN METZGER EXPLAINING MY SITUATION AND ASKING FOR HELP.
- 25) ON 12-2-17 I wrote M.H. Doctor SUSAN ASKING her



Why I'm still experiencing weird side effect from Cymbalta when I stopped taking it on 11-20-17. I also asked her if she was going to treat me for Bi-Polar, Depression and Anxiety. On 12-11-17 wrote a slip to see M.H. ASAP. On 12-14-17 I talked to M.H. Counselor Eric and complained about why am I still experiencing side-effect from the medication, he said he didn't know and he would talk to M.H. Doctor Susan.

26) On 12-21-17 sent in M.H. slip asking M.H. Counselor Eric to send me information on tardive dyskinesia and tardive akathisia. (no reply) On 1-6-18 I wrote M.H. Director Paula Muñoz and Medical Director Matt Wafford asking them both how I could get a refill of Mirt or who do I write to get one. On 1-10-18 I was returning from Medical and I passed M.H. Counselor Eric, he asked me if M.H. has taken care of me yet? I said no, M.H. is kinda ignoring me right now which aint the first time. He said nothing and continued to walk away.

27) On 1-13-18 I requested to see M.H. ASAP. The very next day 1-14-18 I was asked by a nurse and a correctional officer and hour apart if I was going to kill myself. On 1-15-18 I wrote Warden Metzger and M.H. Director Paula Muñoz explaining to them both that I'm still not receiving any help or treatment.

- 28) ON 1-18-18 I SAW M.H. COUNSELOR SOLOMON. HE SAID I GOT 5 MINUTES. "REALLY" I ONLY ASKED HIM IF HE COULD ASK M.H. DOCTOR SUSAN TO RAISE MY 100mg DOSE OF TRAZADOL TO 300mg FOR MY DISRUPTIVE SLEEP PATTERN, 100mg ISN'T WORKING ANYMORE. HE SAID HE'D CONTACT THE M.H. DOCTOR AND ASK HER. I DIDN'T BOTHER HIM WITH ANYTHING ELSE BECAUSE 5 MINUTES WAS NOT ENOUGH TIME FOR WHAT I WANTED TO TALK ABOUT.
- 29) ALSO ON 1-18-18 I RECEIVED A LETTER FROM M.H. DIRECTOR PAOLA MUÑOZ CONCERNING THE LETTER I WROTE TO HER ON 1-6-18 ABOUT GETTING A "AFFIDAVIT OF MERIT." THE LETTER BASICALLY SAID IF THE COURT DIRECTED HER TO DO IT FOR ME, THEN SHE WOULD. ALL THE TIMES I'VE ASKED HER FOR SOME KIND OF HELP, THIS IS THE ONLY TIME SHE WROTE BACK, AND DIDN'T SAY ANYTHING ABOUT ME NOT BEING TREATED OR EVEN OFFERED TO HELP ME.
- 30) ON 1-25-18 WROTE A LETTER TO M.H. COUNSELOR SOLOMON ASKING FOR PAPERWORK ON Bi-Polar, DEPRESSION AND ANXIETY. ALSO, MEDICATIONS LISTED FOR THESE DISORDERS AND THEIR SIDE EFFECTS, AND I'D LIKE TO READ THE NATIONAL STANDARDS OF CARE FOR INMATES WITH MENTAL ILLNESS IN PRISONS AND THEIR TREATMENT OPTIONS. ALSO, ON 1-25-18 I WROTE MENTAL HEALTH ASKING ABOUT INFORMATION ON TARDIVE DYSKINESIA AND TARDIVE AKATHESIA AND ON HOW YOU GET THIS PERMANENT CONDITION.

- 31) UNTIL THIS DAY MENTAL HEALTH REFUSES TO TREAT MY CLINICAL DIAGNOSIS OF Bi-Polar, Depression and Anxiety. THEY ALSO LEFT ME NO CHOICE BUT TO TAKE MENTAL HEALTH MEDS THAT EITHER DOESN'T WORK OR MEDICATIONS THAT CAUSE 80% SIDE EFFECTS / OR TAKE NOTHING AT ALL. (SIDE EFFECTS - HEAT FLASHES, NIGHT SWEATS, CHEWING INSIDE OF MY CHEEKS, BITING MY TONGUE AND LIP WHILE SLEEPING. TONGUE FLICKERING ALL THE TIME ESPECIALLY AGAINST THE BACK OF MY FRONT TEETH, SEVERE RESTLESSNESS, ROCKING BACK AND FORTH, FOOT SHAKING ALL THE TIME AS I LIE DOWN. IN VOLUNTARY MOVEMENT OF HAND, ARMS AND LEGS, AND RACING THOUGHTS.
- 32) UNTIL THIS DAY MENTAL HEALTH HAS THE MEANS TO HELP ME WITH MEDICATION THAT ONLY HAS 10% SIDE EFFECTS, AND THEY STILL GIVE THEM OUT TO OTHER INMATES HERE. OVER THE YEARS OF GOING IN AND OUT OF PRISON, ALL THE M.H. DOCTORS CHANGE YOUR MEDICATION EVERY TIME FOR NO REASON. IF YOU TELL THEM THE MEDS ARE WORKING THEY CHANGE IT. IF YOU SAY YOU CAN'T TAKE THE SIDE EFFECTS, THEY SAY IT SHOULD GO AWAY BY ITSELF OR THEY SAY YOUR BEING DIFFICULT AND THEY DON'T TREAT YOU AT ALL. LIKE THEIR DOING TO MENOW. PHYSICALLY, MENTALLY, AND EMOTIONALLY THEY ARE CAUSING HARM OR WITH KNOWLEDGE THAT HARM WILL RESULT.

33) MENTAL HEALTH KNEW OF A PERMANENT CONDITION TARDIVE DISKINESIA, AND TARTIVE AKATHESIA AND THEY NEVER EXPLAINED OR EVEN TOLD ME ABOUT IT. SINCE I'VE STOPPED TAKING Cymbalta, ITS BEEN OVER 2 MONTHS SINCE THEY TREATED ME FOR MY CONDITION AND IM STILL EXPERIENCING ADVERSE SIDE EFFECTS. EMOTIONALLY IM GOING CRAZY / MENTALLY, I NEED MY MEDICATION / PHYSICALLY IM STILL CHewing ON MY INNER CHEEK AND BITING TONGUE AND LIPS IN MY SLEEP, AND THIS FOOT SHAKING AND INVOLUNTARY MOVEMENT OF HANDS, ARMS, AND LEGS, AND SEVERELY GRINDING MY TEETH. EVEN THE DENTIST TOLD ME I'VE GRINDED THE CUSP OFF MOST OF MY TEETH.

34) ALSO, I WAS CLASSIFIED TO WORK April 2016 INSIDE THE PRISON. DURING THE SUMMER OF 2016 MAYBE THE END OF JUNE I WAS CALLED TO THE KITCHEN FOR A INTERVIEW TO WORK. FIRST, I HAD TO HAVE A PHYSICAL. DID THAT, AND WAS NEVER CALLED TO START WORK. A MONTH LATER I WENT BACK TO THE KITCHEN FOR A SECOND INTERVIEW. SHE SAID SHE NEVER RECEIVED MY RESULTS FROM MY PHYSICAL. THEN I WAS CALLED BACK TO THE INFIRMARY FOR A 2<sup>ND</sup> PHYSICAL. AFTER THE PHYSICAL I ASKED THE NURSE WHAT HAPPENED TO THE FIRST PHYSICAL? THE NURSE SAID, YOUR MENTAL HEALTH AND YOU HAVE HEP C SO THIER PROBABLY NOT GOING TO HIRE YOU FOR THAT.

- 35) FROM THAT POINT ON I WAS NEVER CALLED BACK TO THE KITCHEN. ALSO, OVER THE NEXT 20 MONTHS I SENT IN OVER 25 JOB APPLICATIONS TO ALL THE PRISON JOBS WITH NO REPLY. I WROTE LT. SEACORD WHOSE IN CHARGE OF THE PRISON JOBS NUMEROUS TIMES WITH (NO REPLY). I ALSO SPOKE TO MY COUNSELOR MS. MINOR ABOUT THIS AND SHE SAID SHE'D E-MAIL LT. SEACORD. A WEEK LATER, I SAW HER AND ASKED HER WHAT HAPPENED? SHE WOULDN'T TELL ME WHAT LT. SEACORD SAID IN HIS RE-PLY E-MAIL BUT SHE DID SAY "IM NOBODY" EVERYONE DOES THEIR OWN THING AROUND HERE. I SAID WHATS THAT MEAN? SHE REPLIED "YOU'LL FIGURE IT OUT" AND WALKED AWAY WITH THIS CRAZY LOOK ON HER FACE.
- 36) ALSO, FOR THE LAST 20 MONTHS I'VE REQUESTED THROUGH EDUCATION MANY TIMES TO BE PLACED INTO COMPUTER CLASS, AND TAKE VO-TECH COURSES AS WELL. EDUCATION ADVISED ME I HAVE TO TAKE THE TABE TEST BEFORE I CAN BE ENROLLED IN SCHOOL. SO I TOOK THE TEST AND SOON THERE AFTER EDUCATION TOLD ME MY SCORES WERENT HIGH ENOUGH AND ID HAVE TO GO BACK TO SCHOOL. I ALREADY HAVE A GED AND A HIGH SCHOOL DIPLOMA. THOSE ARE THE REQUIREMENTS TO PARTICIPATE IN THE CLASSES I MENTIONED EARLIER, BUT THEY REFUSE TO ENROLL ME IN ANY CLASSES UNTIL I GO BACK TO SCHOOL. I FOUND OUT LATER THROUGH A STAFF MEMBER I CHOOSE NOT TO MENTION



HER NAME BECAUSE SHE MAY GET INTO TROUBLE. SHE TOLD ME THE EDUCATION DEPT. RELIEVES MONEY THE MORE INMATES THAT TAKE THE TABE TEST AND GO TO SCHOOL. I BELIEVE THATS ONE OF THE REASONS THAT THEY REFUSE TO ENROLE ME INTO THE EDUCATION DEPT.

- 37) FOR THE ABOVE REASONS "PARAGRAPHS 1 THRU 36" I BELIEVE ALL DEFENDANTS VIOLATED MY 8<sup>th</sup> AMENDMENT CONSTITUTIONAL RIGHT TO BE FREE FROM CRUEL AND UNUSUAL PUNISHMENT, FREE FROM BEING TREATED WITH DELIBERATE INDIFFERENCE, AND FREE FROM THE HARMFUL METHODS OF TREATMENT THAT I HAD TO CHOOSE FROM. 1) TAKE M.H. MEDICATION WITH 80% SIDE EFFECTS WHICH THEY KNEW WAS HURTING ME, 2) OR NO TREATMENT AT ALL FOR Bi-POLAR, DEPRESSION AND ANXIETY.
- 38) ALL DEFENDANTS VIOLATED MY 14<sup>th</sup> AMENDMENT RIGHT TO DENY ANY PERSON WITH IN IT'S JURISDICTION THE EQUAL PROTECTION OF THE LAWS. ① REFUSAL OF MEDICAL CARE ② REFUSAL TO EMPLOY ③ REFUSAL OF EDUCATIONAL CLASSES AND COMPUTER CLASSES.
- 39) BREACH OF CONTRACT- 1) REFUSAL TO LET ME SEE A LIST OF ALTERNATIVE MEDICATIONS AND THIER SIDE-EFFECTS AND OTHER TREATMENT OPTIONS. THEY ALSO REFUSE TO EVEN DISCUSSE WITH ME ALTERNATIVE OPTIONS.
- 40) CONTINUOUS PLEA'S TO M.H. DIRECTOR PAOLA MUÑOZ, AND ALL M.H. DOCTORS AND M.H. COUNSELORS FOR HELP CONCERNING MY M.H. TREATMENT AND REFUSAL TO

GIVE ME MY COURT ORDERED EMOTIONAL AND PSYCHOLOGICAL EVALUATION AFTER I REQUESTED IT AT LEAST SIX TIMES.

- 41) CONNECTIONS FAILURE TO TRAIN AND SUPERVISE M.H. DIRECTOR AND M.H. DOCTORS ON HOW TO TREAT AN INMATE WHO CANT TAKE MENTAL HEALTH MEDICATIONS WITH SEVERE SIDE EFFECTS AND FAILURE TO LISTEN TO INMATE'S PLEA'S FOR HELP.
- 42) MENTAL HEALTHS INADEQUATE RESPONSE TO LETTERS AND REQUESTS TO SEE MENTAL HEALTH. SOMETIMES THERE RESPONSE IS IN 2 DAYS, SOMETIMES A WEEK AND SOMETIMES NOT AT ALL. ALSO, THE MEDICATIONS THAT ONLY GIVE ME 10% SIDE EFFECTS AND ACTUALLY HELP ME, THEY GIVE TO OTHER INMATES STILL TO THIS DAY, BUT REFUSE TO GIVE IT TO ME. MENTAL HEALTH DOCTOR SUSAN JUST RECENTLY TOLD ME THAT IT'S PRISON POLICY NOW, THAT'S WHY I CANT RELIEVE THEM.
- 43) I WAS ALSO GOING TO CONNECTIONS WHILE I WAS OUT OF PRISON AND THEY GAVE THEM TO ME OUT THERE. EVERY TIME I COME TO PRISON ALL THE MENTAL HEALTH DOCTORS DONT LISTEN TO WHAT I SAY ABOUT WHAT HELPS ME OR WHAT HURTS ME. I FEEL LIKE A GUINEA PIG SOMETIMES BECAUSE THE DOCTORS WANNA GIVE ME WHAT EVER THEY WANT. THE 2 OPTIONS M.H. HAS LEFT ME WITH IS UNACCEPTABLE. TAKE MEDICATION THATS HURTS ME OR NO TREATMENT AT ALL.

- 44) I BELIEVE "COLLECTIONS" ENGAGED IN A CUSTOM, PRACTICE OR POLICY FOR REPEATEDLY FAILING TO PROVIDE A REASONABLE DIAGNOSES AND/OR TREATMENT FOR MENTAL HEALTH PROBLEMS AS DESCRIBED IN SICK CALLS, LETTERS AND MEDICAL GRIEVANCES.
- 45) JAMES T. VAUGHN CORR. CTR. HAS VIOLATED THE (ADA) AMERICANS w/ Disabilities Act by REFUSING TO EMPLOY ME AFTER 2 INTERVIEWS WHICH REQUIRED ME TO HAVE A PHYSICAL. DURING WHICH TIME THE NURSE AT THE LAST PHYSICAL TOLD ME I PROBABLY WOULD NOT BE HIRED BECAUSE I HAVE HEPATITIS "C" AND IM ON THE MENTAL HEALTH ROSTER. FOR THE NEXT 21 MONTHS AND 25 JOB APPLICATIONS I WAS NEVER OFFERED A JOB. IM CLASSIFIED TO WORK, ITS A PRIVILEGE, AND NOW I'VE MISSED OUT ON 105 DAYS GOOD-TIME CREDITS BECAUSE OF IT.



(Del. Rev. 11/14) Pro Se Prisoner Civil Rights Complaint

**VI. ADMINISTRATIVE PROCEDURES**

*WARNING: Prisoners must exhaust administrative procedures before filing an action in federal court about prison conditions. 42 U.S.C. § 1997e(a). Your case may be dismissed if you have not exhausted your administrative remedies.*

Is there a grievance procedure available at your institution?

☒ Yes ☐ No

Have you filed a grievance concerning the facts relating to this complaint?

☒ Yes ☐ No

If no, explain why not:

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Is the grievance process completed?

☒ Yes ☐ No

If no, explain why not:

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**VII. RELIEF**

*State briefly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.*

- 1) TO BE TREATED PROPERLY FOR MY DIAGNOSED M.H. CONDITION. Bi-Polar, DEPRESSION AND ANXIETY WITH MEDICATION THAT ACTUALLY WORKS WELL FOR ME WITH THE LEAST AMOUNT OF SIDE EFFECTS, AND OTHER TREATMENT OPTIONS.
- 2) A DECLARATION THAT THE ACTS AND OMISSIONS DESCRIBED HEREIN VIOLATED PLAINTIFFS RIGHTS UNDER THE CONSTITUTION AND LAWS OF THE UNITED STATES. (SEE ATTACHED)

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## RELIEF (cont.)

3) A PRELIMINARY AND/OR PERMANENT INJUNCTION ORDERING DEFENDANTS:

M.H. DIRECTOR PAOLA MUÑOZ

M.H. DOCTOR "SUSAN"

M.H. DOCTOR , AUGUST

M.H. DOCTOR , PADRELL

M.H. DOCTOR TANYA WILSON

"CONVECTIONS" (ENTIRE ENTITY)

TO OFFER ME BETTER TREATMENT OPTIONS OTHER THAN TAKE THESE CERTAIN MEDICATIONS WHICH THEY KNOW THE SEVERE SIDE EFFECTS ARE HURTING ME OR NO TREATMENT AT ALL.

4) COMPENSATORY DAMAGES IN THE AMOUNT "WHAT EVER THE COURT DEEMS FIT" AGAINST EACH DEFENDANT, JOINTLY AND SEVERALLY.

5) PUNATIVE DAMAGES IN THE AMOUNT "WHAT EVER THE COURT DEEMS FIT" CONSIDERING IM EXPERIENCING SIDE EFFECTS FROM A POTENTIALLY PERMANENT CONDITION THAT NO ONE EVER TOLD ME WAS A POSSIBILITY. (TARDIVE DISKINESIA, TARDIVE AKATHESIA)

6) A JURY TRIAL ON ALL ISSUES TRIABLE BY JURY.

RELIEF (CONT.)

- 7) PLAINTIFFS COST IN THIS SUIT.
- 8) ANY ADDITIONAL RELIEF THIS COURT DEEMS JUST, PROPER, AND EQUITABLE.

DATED: FEB. 21, 2018

RESPECTFULLY SUBMITTED,

Adam T. WENZKE  
#182595

J.T.V.C.C. 1181 Paddock Rd.  
Smyrna, DE 19977

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**VIII. PRISONER'S LITIGATION HISTORY**

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in forma pauperis in federal court if that prisoner has "on three or more occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. §1915(g).

Have you brought any other lawsuits in state or federal court while a prisoner?

☒ Yes ☐ No

If yes, how many? 1

Number each different lawsuit below and include the following:

- Name of case (including defendants' names), court, and docket number
- Nature of claim made
- How did it end? (For example, if it was dismissed, appealed, or is still pending, explain below.)

• WENZKE v CMS (I BELIEVE) SLR - Judge

• 8<sup>th</sup> AMENDMENT VIOLATION

• DISTRICT COURT DISMISSED THE CASE. I APPEALED, THEN DURING THAT TIME I WAS TRANSFERRED TO C.VOP, WEBB CORR. CTR., AND PLUMMERHOUSE OVER A SHORT PERIOD OF TIME. I WAS SUPPOSED TO FILE SOME SORT OF MOTION THAT I DIDN'T KNOW HOW TO DO AND THOSE 3 INSTITUTIONS I WAS TRANSFERRED TO DURING THAT TIME DIDN'T HAVE A LAW LIBRARY AND THEY WOULDN'T LET ME ACTUALLY GO TO A LIBRARY AND I MISSED THE DEADLINE FOR THAT MOTION TO BE FILED THAT I DIDN'T KNOW HOW TO DO OR WHAT IT WAS. SO THE CASE WAS DISMISSED BECAUSE OF THAT.

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**IX. PLAINTIFF'S DECLARATION AND WARNING**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending or modifying existing law; and (3) complies with the requirements of Rule 11.

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

*Plaintiff must sign and date the complaint and provide prison identification number and prison address.*

FEB. , 2018  
Dated

Adam Wenzke  
Plaintiff's Signature

WENZKE Adam T.  
Printed Name (Last, First, MI)

# 00182595  
Prison Identification #

J.T.V.C.C. 1181 Smyrna DE 19977  
Prison Address Paddock Rd. City State Zip Code

~~Plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.~~